

90th Legislative Session – 2015

Committee: House State Affairs

Wednesday, February 11, 2015

P - Present
E - Excused
A - Absent

Roll Call

P Bartling
P Bolin
P Haggar (Don)
P Hawley
P Langer
P Mickelson
P Munsterman
P Solum
P Stevens
E Verchio
P Wink
P Westra, Vice-Chair
P Gosch, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Brian G. Gosch.

MOTION: TO APPROVE THE MINUTES OF MONDAY, FEBRUARY 9, 2015

Moved by: Westra
Second by: Haggar (Don)
Action: Prevailed by voice vote.

HB 1215: provide for an optional enhanced permit to carry a concealed pistol.

Presented by: Representative Thomas Brunner
Proponents: Dayle Hammock, Spearfish, self
Staci Ackerman, South Dakota Sheriffs Association
Yvonne Taylor, South Dakota Police Chiefs Association

Dana Svendsen, Department of Public Safety

MOTION: AMEND HB 1215

1215oa

On page 2, line 2, of the printed bill, after "pistol" insert "which shall be distributed fifty dollars to the sheriff and fifty dollars to the secretary of state to be used by the secretary of state to administer the concealed carry program".

On page 2, line 4, after "months" insert "or proof that the applicant is a current or former South Dakota law enforcement officer".

On page 3, line 16, after "any" insert "handgun".

Moved by: Mickelson
Second by: Westra
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1215 AS AMENDED

Moved by: Mickelson
Second by: Westra
Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Bartling, Bolin, Haggar (Don), Hawley, Langer, Mickelson, Munsterman, Solum, Stevens, Wink, Westra, Gosch

Excused: Verchio

HB 1158: require that a victim's opposition to the death penalty be presented at a presentence hearing.

Presented by: Representative Steve Hickey
Proponents: Traci Smith, Sioux Falls, self
Travis Benson, Catholic Diocese Of Sioux Falls
Dennis Davis, South Dakotans For An Alternative To The Death Penalty
Jenae Hansen, National Association of Social Workers-South Dakota
Opponents: Aaron McGowan, Sioux Falls, self
Mark Vargo, Rapid City, self
Paul Bachand, SD State's Attorneys Association

Staci Ackerman, South Dakota Sheriffs Association
Peggy Schaeffer, Black Hawk, self
Jeremy Pankratz, Office of Attorney General

MOTION: DEFER HB 1158 TO THE 41ST LEGISLATIVE DAY

Moved by: Solum
Second by: Westra
Action: Prevailed by roll call vote. (10-2-1-0)

Voting Yes: Bolin, Haggar (Don), Hawley, Langer, Mickelson, Solum, Stevens, Wink, Westra, Gosch

Voting No: Bartling, Munsterman

Excused: Verchio

HB 1159: permit South Dakotans to express opposition to the death penalty when applying for a state issued identification card.

Presented by: Representative Steve Hickey (Handouts: #1)
Proponents: Dennis Davis, South Dakotans For An Alternative To The Death Penalty
Opponents: Mark Vargo, Rapid City, self
Paul Bachand, SD State's Attorneys Association
Jenna Howell, Department of Public Safety
Jeremy Pankratz, Office of Attorney General

MOTION: DEFER HB 1159 TO THE 41ST LEGISLATIVE DAY

Moved by: Solum
Second by: Langer
Action: Prevailed by roll call vote. (10-2-1-0)

Voting Yes: Haggar (Don), Hawley, Langer, Mickelson, Munsterman, Solum, Stevens, Wink, Westra, Gosch

Voting No: Bartling, Bolin

Excused: Verchio

HB 1118: provide for oversight of postsecondary technical institutes.

Presented by: Representative G. Mark Mickelson (Handouts: #2)

Proponents: Jeff Holcomb, Sioux Falls, STI, self
Mark Lee, Sioux Falls Area Chamber Of Commerce
Tony Venhuizen, Office of Governor
Myron Rau, South Dakota Trucking Association
Myron Rau, SD Auto Dealers Association

MOTION: AMEND HB 1118

1118sb

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. That § 13-39-34 be amended to read as follows:

13-39-34. Any LEA proposing to ~~operate~~ establish a postsecondary technical institute ~~or establish an existing postsecondary technical institute as a separate legal entity after July 1, 2015,~~ may petition the state board pursuant to §§ 13-39-35 to ~~13-39-36~~ 13-39-35.2, inclusive. The state board may conduct hearings, investigate school records, and secure other data relating to the proposed postsecondary technical institute, its geographical location, the demography and economy of the area, and any other facts relating to the proposed postsecondary technical institute which the state board may consider appropriate. This section does not apply to a distinct separate LEA established pursuant to § 13-39-35.3.

Section 2. That § 13-39-35.3 be amended to read as follows:

13-39-35.3. Any postsecondary technical institute, ~~LEA~~ school district LEA or school districts, or any combination of them that established a postsecondary technical institute before July 1, 2015, may ~~modify the postsecondary technical institute's governing board, the procedure for selecting the governing board members and may determine whether file a petition with the state board~~ to establish the postsecondary technical institute as a distinct separate LEA, which shall be an LEA and a public body under chapter 1-16A. The state board must approve the petition before the postsecondary technical institute may operate as a distinct separate LEA. Upon establishment of such a distinct separate LEA, the school district LEA shall assign to, and the newly established distinct separate LEA shall expressly assume, all duties and powers and all rights, covenants, and obligations concerning the postsecondary technical institute, including without limitation all rights, covenants and obligations of the school district in connection with any lease purchase agreement or sublease authorized under §§ 13-39-66 to 13-39-71, inclusive, and any and all instruments and other agreements related thereto. Nothing in this section is intended to prohibit an agreement between the school district LEA and the distinct separate LEA pursuant to chapter 1-24. The distinct separate

LEA established pursuant to this section is not subject to §§ 13-39-34 to 13-39-35.2, inclusive.

Section 3. That chapter 13-39 be amended by adding thereto a NEW SECTION to read as follows:

A board consisting of nine members shall govern the distinct separate LEA established pursuant to § 13-39-35.3.

Section 4. That chapter 13-39 be amended by adding thereto a NEW SECTION to read as follows:

No board member may serve more than three consecutive terms on the distinct separate LEA board referenced in section 3 of this Act. Three board members shall serve an initial one-year term. Three board members shall serve an initial two-year term. Three board members shall serve an initial three-year term. All subsequent board member terms shall be for a period of three years. The board of the school district LEA referenced in § 13-39-35.3 shall appoint all the initial board members.

Section 5. That chapter 13-39 be amended by adding thereto a NEW SECTION to read as follows:

After a member's initial term on the board of the distinct separate LEA is finished, the board of the school district LEA, with input from trade and industry representatives in the region and the postsecondary technical institute president, shall continue to appoint the three board member positions whose initial terms were three years. After the distinct separate LEA board member's initial term is finished, the Governor shall appoint the three board members of the board whose initial terms were one year. After the distinct separate LEA board member's initial term is finished, the nine person distinct separate LEA board, with input from trade and industry representatives in the region and the postsecondary technical institute president, shall appoint the three board members of the board whose initial terms were two years."

Moved by: Solum
Second by: Langer
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1118 AS AMENDED

Moved by: Solum
Second by: Langer
Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Bartling, Bolin, Haggard (Don), Hawley, Langer, Mickelson, Munsterman, Solum, Stevens, Wink, Westra, Gosch

Excused: Verchio

HJR 1003: Proposing and submitting to the electors at the next general election an amendment to Article XIV of the Constitution of the State of South Dakota, relating to the authority of the Board of Regents.

Presented by: Representative G. Mark Mickelson

Proponents: Greg VonWald, Mitchell Technical Institute
Dick Tieszen, Associated School Boards of South Dakota
Ms. Lesli Jutting, telephone
Deb Fischer-Clemens, Avera Health
Kevin Kouba, Otter Tail Power Company
David Owen, South Dakota Chamber Of Commerce & Industry
Jack Warner, South Dakota Board of Regents
Tony Venhuizen, Office of Governor
Greg Dean, South Dakota Telecommunications Association
Brenda Forman, South Dakota Association of Cooperatives

MOTION: DO PASS HJR 1003

Moved by: Solum

Second by: Wink

Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Bartling, Bolin, Haggar (Don), Hawley, Langer, Mickelson, Munsterman, Solum, Stevens, Wink, Westra, Gosch

Excused: Verchio

MOTION: ADJOURN

Moved by: Haggar (Don)

Second by: Westra

Action: Prevailed by voice vote.

Glenda Woodburn
Committee Secretary

Brian G. Gosch, Chair